



Surface Transportation Board
Washington, D.C. 20423-0001

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November 4, 2022

The Honorable Raja Krishnamoorthi
115 Cannon House Office Building
Washington, DC 20515

Dear Representative Krishnamoorthi,

Thank you for your recent letter regarding Canadian Pacific Railway Limited, Canadian Pacific Railway Company, Soo Line Railroad Company, Central Maine & Quebec Railway US Inc., Dakota, Minnesota & Eastern Railroad Corporation, and Delaware & Hudson Railway Company, Inc.—Control—Kansas City Southern, the Kansas City Southern Railway Company, Gateway Eastern Railway Company, and the Texas Mexican Railway Company, Docket No. FD 36500. I appreciate hearing your concerns about the Draft Environmental Impact Statement (Draft EIS) prepared for the proposed merger between CP and KCS.

As you are aware, between September 28, 2022, and October 7, 2022, the Board held several days of public hearings on the transportation merits of the proposed merger. Thank you again for providing your testimony in this important process. In light of the significant issues involved in the Board's consideration of the proposed transaction, it is essential that we hear directly from our stakeholders and do so in public.

On August 5, 2022, the Board's Office of Environmental Analysis (OEA) issued a Draft EIS in this proceeding. The Draft EIS analyzed the potential environmental impacts of the proposed merger and provided an opportunity for public comment. As you are aware, OEA held several in-person and online public meetings during the comment period. Thank you for your participation at the meeting in Itasca, Illinois. Because of the magnitude of the proposed transaction and because of our interest in the issues raised by those who have already communicated their concerns to OEA and the Board, I and the other Board Members attended these meetings as observers. These meetings were held to ensure that all concerned members of the public had an opportunity to comment on the Draft EIS. OEA will respond to the concerns you raise in your letter as well as all comments received on the Draft EIS, and will consider those in making its recommendations to the Board, in the Final EIS. It is anticipated that the Final EIS will be issued in late winter.

The Board will evaluate the reliability of all of the evidence in the record, including the data presented by the parties, in reaching a decision on the merits. Because this case is pending, I cannot comment further at this time. However, please be assured that the Board will fully consider all comments and submissions in this proceeding regarding the potential impacts of the proposed merger.

A copy of your letter and this response has been placed in the public docket. If you or your staff have any questions, please contact Ms. Janie Sheng, Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

Sincerely,

A handwritten signature in cursive script, reading "Martin J. Oberman".

Martin J. Oberman
Chairman